

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; TO REPEAL ORDINANCE 2001-050 WHICH AMENDED THE TRANSPORTATION ELEMENT (TO ADD LANGUAGE IN POLICY 1.2-D ALLOWING A LOWER TRAFFIC LEVEL OF SERVICE FOR A SEGMENT OF STATE ROAD 7 IN ORDER TO FACILITATE CONSTRUCTION OF A HIGH SCHOOL); AND AMENDED ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners adopted an amendment to the Transportation Element on August 27, 2001 in Ordinance 2001-050;

WHEREAS, the Department of Community Affairs issued a Notice of Intent to Find in Compliance all amendments in Amendment Round 01-1, including Ordinance 2001-050, on October 22, 2001. Within the 21 day appeal period following the Notice of Intent to Find in Compliance, a petition was filed to challenge the amendment and the ordinance has not gone into effect;

WHEREAS, Palm Beach County has determined that the amendment is not necessary and that Ordinance 2001-050 should be repealed.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the Transportation Element (to add language in Policy 1.2-D allowing a lower traffic level of service for a segment of State Road 7 in order to facilitate construction of a high school), as contained in Ordinance 2001-050 (as shown in the Exhibit) are repealed.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance

are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

This ordinance shall be effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 26 day of February, 2002.

ATTEST:

DOROTHY H. WILKEN, Clerk, PALM BEACH COUNTY, FLORIDA, ITS BOARD OF COUNTY COMMISSIONERS

By: Linda C. Hickman

Deputy Clerk

Warren H. Newell, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

W. D. B. G.  
COUNTY ATTORNEY

Filed with the Department of State on the 8th day of March, 2002



EXHIBIT

ORDINANCE NO. 2001 - 050

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE TRANSPORTATION ELEMENT (TO ADD LANGUAGE IN POLICY 1.2-D ALLOWING A LOWER TRAFFIC LEVEL OF SERVICE FOR A SEGMENT OF STATE ROAD 7 IN ORDER TO FACILITATE CONSTRUCTION OF A HIGH SCHOOL); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 2, 9, 23 and March 9, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 26 and April 10, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2001 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 29, 2001 which was the Department's written review of the proposed Comprehensive Plan amendments; and

1           WHEREAS, the written comments submitted by the Department of  
2 Community Affairs contained no objections to the amendments contained  
3 in this ordinance;

4           WHEREAS, on August 27, 2001 the Palm Beach County Board of County  
5 Commissioners held a public hearing to review the written comments  
6 submitted by the Department of Community Affairs and to consider  
7 adoption of the amendments; and

8           WHEREAS, the Palm Beach County Board of County Commissioners has  
9 determined that the amendments comply with all requirements of the  
10 Local Government Comprehensive Planning and Land Development  
11 Regulations Act.

12           NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
13 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

14           Part I. Amendments to the 1989 Comprehensive Plan

15           Amendments to the text of the following Element of the 1989  
16 Comprehensive Plan are hereby adopted and attached to this Ordinance  
17 in Exhibit 1:

18           A.    Transportation Element, to add language in Policy 1.2-d  
19                allowing a lower traffic level of service for a segment of  
20                State Road 7 in order to facilitate construction of a high  
21                school; and

22           B.    Amending all elements as necessary for internal  
23                consistency.

24           Part II. Repeal of Laws in Conflict

25           All local laws and ordinances applying to the unincorporated area  
26 of Palm Beach County in conflict with any provision of this ordinance  
27 are hereby repealed to the extent of such conflict.

28           Part III. Severability

29           If any section, paragraph, sentence, clause, phrase, or word of  
30 this Ordinance is for any reason held by the Court to be  
31 unconstitutional, inoperative or void, such holding shall not affect  
32 the remainder of this Ordinance.

33           Part IV. Inclusion in the 1989 Comprehensive Plan

34           The provision of this Ordinance shall become and be made a part  
35 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
36 Ordinance may be renumbered or relettered to accomplish such, and the



word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 27 day of August, 2001.

ATTEST:

DOLORETH H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

Deputy Clerk

Warren H. Newell, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

COUNTY ATTORNEY

Filed with the Department of State on the 6th day of September, 2001

## EXHIBIT 1

### A. Transportation Element, Greenacres/Wellington School Traffic LOS

**REVISIONS:** To add language in Policy 1.2-d allowing a lower traffic level of service for a segment of State Road 7 in order to facilitate construction of a high school. The added text is shown in underlined.

**Policy 1.2-d:** The Board of County Commissioners finds that under certain limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. The Board of County Commissioners further finds that under certain circumstances, an interim level of service standard for a specific roadway is appropriate. Consequently, this policy provides for an interim transportation facilities level of service standard for certain purposes, roadways, and time frames:

- 1) For the public purpose of allowing educational facilities (public school) to be constructed in the vicinity of Woolbright Road and El Clair Ranch Road, the level of service standard on Woolbright Road between El Clair Ranch Road and Military Trail shall be:
  - a) LOS F for Test One and LOS F for Alternate Test One. The level of service standard volume shall be 19,100 on an ADT basis for Test One, 1,800 on a peak hour basis (two-way) for Test One, and 1,220 on a peak hour, peak season, peak direction basis for Alternate Test One. This lower level of service shall pertain only to evaluating the traffic impacts of public schools. When Woolbright Road is widened to 4/5 lanes, the adopted level of service shall revert to those identified in Policy 1.1-b.
- 2) To allow for the construction of a new high school at the intersection of Forest Hill Boulevard and Lyons Road, the level of service standard on State Road 7 from Southern Boulevard to Forest Hill Boulevard shall be LOS F for Test One. The level of service standard volume for State Road 7 from Southern Boulevard to Forest Hill Boulevard shall be 59,049 on an ADT basis for Test One and 5,429 on a peak hour basis (two-way) for Test One. This lower level of service shall pertain only to evaluating the traffic impacts of public schools and shall no longer be in effect after construction commences for the widening of State Road 7 from Southern Boulevard to Forest Hill Boulevard from a 6-lane roadway to an 8-lane roadway. After construction of additional lanes of State Road 7 commences, the level of service standards for Test One shall be the appropriate threshold volume for LOS D for an 8-lane roadway.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on February 26, 2002  
DATED at West Palm Beach, FL on 4/1/02  
DOROTHY H. WILKEN, Clerk  
By: Wesley Brown D.C.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on August 27, 2001  
DATED at West Palm Beach, FL on 9/20/01  
DOROTHY H. WILKEN, Clerk  
By: Wesley Brown D.C.